

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA, } NO. CR 05-1049-TUC-FRZ (GEE)  
Plaintiff(s), } ORDER  
vs. }  
Andrew Edward Flyer }  
Defendant(s). }

This matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and the local rules of practice of this Court for hearing and report and recommendation on Defendant's Motion to Dismiss Superceding Indictment, Motion to Suppress the Evidence Collected Pursuant to the Search Warrant and Request for *Frank's* hearing [96, 118].

On June 13, 14, and 18, 2007, Magistrate Judge Glenda E. Edmonds conducted hearings and on July 13, 2007 issued her Report and Recommendation. [124] A copy was sent to all parties. Defendant filed objections to the Report and Recommendation. [131] The Government filed its response to the objections by Defendant. [132] Defendant filed his reply to Government's Response. [133]

The Court, having made a *de novo* review of the record herein, orders as follows:

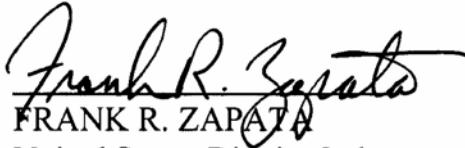
IT IS ORDERED that Defendant's objections to the Report and Recommendation are DENIED.

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1 IT IS FURTHER ORDERED that Magistrate Judge Edmond's Report and  
2 Recommendation is ACCEPTED and ADOPTED by this Court as the findings of fact and  
3 conclusions of law in this matter.

4 IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Superceding  
5 Indictment, Motion to Suppress the Evidence Collected Pursuant to the Search Warrant and  
6 Request for *Frank's* hearing are DENIED.

7 DATED this 19<sup>th</sup> day of September, 2007.

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9 FRANK R. ZAPATA  
10 United States District Judge  
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